

REMARKS

This Amendment is in response to the Office Action dated June 29, 2004, in which claims 1-3, 5-13 and 15-20 were rejected and claims 4 and 14 were objected to. With this Amendment, claims 1-6 and 11-20 are amended and the remaining claims are unchanged in the Application. The Examiner's indication of allowable subject matter in claims 4 and 14 is appreciated. Applicants respectfully request reconsideration and allowance of all pending claims 1-20.

In section 4 of the Office Action, claims 1-3, 5-13 and 15-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rubinson et al., U.S. Patent No. 4,434,487 in view of Shin, U.S. Patent No. 6,101,619.

Claim 1, which is directed to a method of retrieving a complete copy of data from a plurality of stored copies of the data, includes "selecting one of the copies from the plurality of stored copies," "identifying defective storage locations in the selected copy" and "locating replacement storage locations from the plurality of stored copies other than the selected copy."

The Office Action states that Rubinson teaches the above limitations. However, Rubinson relates to utilizing spare sectors to replace defective sectors when multiple copies of information are not involved. Specifically, col. 3, line 66 through col. 4, line 5 of Rubinson states that:

The contents of certain portions of the disk which are not protected by replacement are protected by virtue of being written in multiple locations, to store multiple copies of the same information. If a sufficient number of copies, or portions of copies, are recorded unimpaired, the recorded information can be retrieved despite the corruption of one or more copies.
(Emphasis Added).

The above language of Rubinson is clearly in contrast with the above-noted limitations of claim 1, which relate, in

general, to utilizing replacement storage locations in connection with a plurality (or multiple) copies of information.

In addition to the above-noted elements, claim 1 includes "merging storage locations from the selected copy with replacement storage locations defining the complete copy." The Office Action correctly points out that Rubinson does not show merging sectors from the selected copy with replacement sectors defining the complete copy. In Fact, Rubinson makes no suggestion of that feature. As a result, the Office Action relies on Shin.

Shin teaches a method of improving data transmission of a hard disk drive. The method involves accessing all normal sectors of a track before accessing a re-allocation sector, which has replaced a defective sector. (Col. 2, lines 61-64). Shin teaches or suggests nothing about "merging storage locations" in connection with "defining a complete copy" from multiple copies of information. Thus, Shin does not overcome the deficiencies of Rubinson.

Since all the elements of the present invention as claimed by claim 1 are not taught by the cited prior art, the Examiner has failed to support any *prima facie* conclusion of obviousness with regard to claim 1. Furthermore, the Examiner provided no evidentiary basis for modifying the cited references to arrive at the present invention as claimed by claim 1. Thus, it is believed that independent claim 1 is patentably distinct and non-obvious over the cited prior art.

Independent claims 11 and 20 have elements similar to that of independent claim 1. Thus, for the same reasons as independent claim 1, Applicants submit that independent claims 11 and 20 are allowable as well. Moreover, Applicants respectfully submit that dependent claims are also allowable by virtue of their dependency, either directly or indirectly from the allowable independent claims. Further, the dependent claims set

forth numerous elements not shown or suggested in the cited references.

In view of the foregoing Applicants respectfully request reconsideration and allowance of claims 1-20. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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